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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,953	06/27/2005	Etienne Annic	5284-61PUS	4050
27799 7590 01/15/2010 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER MITCHELL, DANIEL D				
ART UNIT		PAPER NUMBER		
2477				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/540,953

**Applicant(s)**

ANNIC, ETIENNE

**Examiner**

DANIEL MITCHELL

**Art Unit**

2477

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on 10/20/2009 has been entered. Claims 1 and 4 have been amended. No claims are canceled. Claims 1-8 are still pending in this application, with claims 1 and 8 being independent.

### ***Response to Arguments***

2. Applicant's arguments, see pg 6-13, filed 10/2/2009, with respect to 1-8 have been fully considered and are persuasive. The 35 USC 103 rejections of claims 1-8 has been withdrawn.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gbadegesin et al. (US Patent 7,257,815 B2), hereinafter referred as Gbadegesin in view of Kanai et al. (US Patent No. 6,714,946 B1), hereinafter referred as Kanai.

Regarding claim 1, Gbadegesin teaches a system for managing a resource in a multi-access point name (APN) terminal for a plurality of architectures each dedicated to a corresponding one of a plurality of

communications networks (**fig. 1 teaches a plurality of dedicated architectures R1-R5 and a plurality of networks**),

wherein said system comprises a plurality of dedicated architecture resource managers (**Access Control List**) each configured to simultaneously process, on behalf of the each architecture, requests defined by a process manager (**application**) of the each architecture for access to a common resource of the multi-APN terminal (**col. 4 line 62 to col. 5 line 9 teaches the application (processor manager) to the access control list (resource manager)**), the requests being generated as a function of an application activated on said multi-APN terminal (**col. 5 lines 10-12 teaches activating an application on the device**),

However Gbadegesin does not expressly disclose wherein said each architecture resource manager is configured to simultaneously dialogue with a resource administrator of a dedicated architecture manager of the multi-APN terminal to manage the common resource of said multi-APN terminal based on simultaneous operational processing of said plural dedicated architectures of said multi-APN terminal which are each connected to the corresponding one of said plural communications networks.

Kanai teaches in col. 6 lines 55-58 an application that is activated on the terminal generates a request for resources. Kanai further teaches in fig. 3 a resource administrator (resource manager) that is configured to manage the simultaneous operation of data operation modules (dedicated architectures),

where each dedicated architecture resource managers (data operation module manager) simultaneously communicates with the resource manager (administration) when the operation modules are operated simultaneously (see col. 6 lines 7-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Gbadegesin to include a resource administrator for managing the simultaneous processing of a device. One would be motivated as such in order allow the exclusive control of a shared resource among a plurality of applications col. 1 lines 55-60.

Regarding claim 2, Gbadegesin teaches wherein each of said plural dedicated architecture resource managers is integrated in each said plural dedicated architectures of said multi-APN terminal (**fig. 3 teaches each architecture 311, 312 including its own resource manager (access control list).**

Regarding claim 3, Gbadegesin teaches wherein each of said plural dedicated architecture resource managers includes an interface for exchanging information with said resource administrator of said dedicated architecture manager (**fig. 3 teaches each resource manager includes an interface to communication with the resource administrator (management facility)).**

Regarding claim 4, Gbadegesin teaches wherein each of said plural dedicated architecture resource managers includes an interface for exchanging information with the process manager of each of said plural dedicated architectures (**fig. 3 teaches each access control list (resource managers has and interface for communicating with the application A,B, C (process manager).**

Regarding claim 7, Gbadegesin teaches wherein each of said plural dedicated architecture resource managers includes a resource correspondence table for defining the resource corresponding to the application activated on said multi-APN terminal (**col. 4 line 62 to col. 5 line 17 teaches the resource manager (access control list) is a list for managing the resources associated with an application of the terminal).**

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gbadegesin and Kanai in view of Bridgehall.

Regarding claim 5, Gbadegesin and Kanai teaches a system as the parent claim.

However Gbadegesin and Kanai do not expressly disclose wherein said resource administrator of said dedicated architecture manager of the multi-APN terminal includes an interface for exchanging information with a resource allocator of said multi-APN terminal.

Bridgehall teaches in par. 53 a device that simultaneously connects to multiple networks as the primary reference. Bridgehall teaches in par. 52-53 the microcontroller (resource administrator) has an interface for exchanging information with the device controller.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Gbadegesin and Kanai to include an interface for communicating with a resource allocator. One would be motivated as such in order to allow the device to seamlessly transition between multiple networks (par. 53).

Regarding claim 6, Gbadegesin and Kanai teach a system as the parent claim.

However Gbadegesin and Kanai do not expressly disclose wherein said wherein said resource administrator of said dedicated architecture manager of the multi-APN terminal includes an interface for exchanging information with a radio interface.

Bridgehall teaches in par. 53 a device that simultaneously connects to multiple networks as the primary reference. Bridgehall teaches fig. 9, par. 52-59 teaches a micro controller 922 is coupled to both the WLAN and WWAN interface.

See similar motivation as claim 5.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gbadegesin in view of Anaya et al. (US Patent No. 5,940,828), hereinafter referred as Anaya.

Regarding claim 8, Gbadegesin teaches a method of managing a resource in a multi-access point name (APN) terminal for a plurality of architectures each dedicated to and connected to a corresponding one of a plurality of communications networks (**fig. 1 teaches plurality of architectures R1-R5 connected to a plurality of networks**), the method comprising: activating an application on said multi-APN terminal (**col. 5 lines 10-12 teaches activating an application on the device**); defining, at process managers each associated with a corresponding one of said plural dedicated architectures, a common resource corresponding to said application (**col. 4 line 62 to col. 5 line 9 teaches an Access Control List (process manager) for defining resources associated with the application**);

requesting, at one of said process managers, access to said common resource through a corresponding one of a plurality of dedicated architecture resource managers each associated with a corresponding one of the dedicated architectures (**col. 4 line 62 to col. 5 line 17 teaches the access control list (process manager) makes a decision on the request for the resources**);

generating, at said one dedicated architecture resource manager, a response after checking said common resource access request (**col. 4 line 62 to**



**col. 5 line 17 teaches the access control list determining if the resource request is granted);**

generating the response, at a resource administrator of a dedicated architecture manager of the multi-APN terminal (**col. 6 lines 10-12 teaches a management facility (resource administrator) that generates a response to the request for resources);**

allocating, at a resource allocator of said multi-APN terminal, the requested resource (**col. 5 lines 10-17 teaches resources are allocated when the access is enabled);** allocating, at a radio interface for accessing said plural communications networks, the requested common resource (**col. 4 lines 24-32 teaches a cell phone device; col. 5 lines 10-17 suggests the enabled resource includes a radio resource);**

associating with said application, at said one of the plural dedicated architecture resource managers, access to the requested common resource after validation of the common resource access request (**col. 4 line 62 to col. 5 line 17 teaches the access control list (process manager) that manages the associations of the applications and resources);** and

executing, at said one process manager, said application by way of said requested common resource (**col. 5 lines 10-17 teaches executing the application when the access is enabled).**

However Gbadegesin does not expressly disclose after checking said common resource access request against simultaneous common resource

access requests from others of the plural dedicated architectures of the multi-APN terminal.

Anaya teaches in col. 2 lines 10-27 a resource manager that checks a resource request against other simultaneous requests and makes a decision to release resources based on availability.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Gbadegesin to include comparing simultaneous resource requests. One would be motivated as such in order to allocate resources in a system in a fair manner col. 2 line 10-27.

### ***Conclusion***

7. Any response to this action should be **faxed** to (571) 173-8300 or **mailed** to:

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand delivered responses should be brought to:**

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL MITCHELL whose telephone number is (571)270-5307. The examiner can normally be reached on Monday - Friday 8:00 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag G. Shah can be reached on 571-272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. M./  
Examiner, Art Unit 2477

/Chirag G Shah/  
Supervisory Patent Examiner, Art Unit 2477